



Statement of Commonality for Statements of Common Ground

Rev. 1, Deadline 3



1 INTRODUCTION

- 1.1 This document has been prepared in respect of an application for the proposed Thurrock Flexible Generation Plant made by Thurrock Power Ltd (“the Applicant”) to the Secretary of State for Business, Energy and Industrial Strategy for a Development Consent Order (“DCO”) under section 37 of the Planning Act 2008.
- 1.2 The purpose of this document is to summarise the status and progress of all Statements of Common Ground (SoCGs) and to provide a Statement of Commonality, i.e. matters that are common to more than one SoCG.
- 1.3 Overleaf, Table 2.1 summarises the SoCG status and Section 3 provides more detail of the current position on SoCGs that are not yet finalised. In the following section, Table 4.1 shows matters that are common to several interested parties.
- 1.4 Where SoCGs are referred to in Table 2.1 as “pending” it is because the parties are currently focussing on alternative means of resolving any outstanding issues, such as entry into commercial agreements. At this time it is thought more beneficial to focus on those alternative means of resolution with a view to agreeing SoCGs once other matters have been advanced.

2 SOCG STATUS OVERVIEW

Table 2.1: SoCG status overview

Interested Party	Deadline 2 23 March 2021	Deadline 3 12 April 2021	Deadline 4 17 May 2021	Deadline 5 14 June 2021	Deadline 7 9 August 2021
Anglian Water	Final and signed	Final and signed			
Cogent Land	Not required	Not required			
Environment Agency	Under discussion	Under discussion			
Gravesham Borough Council	Pending	Pending			
Highways England	Pending	Pending			
Historic England	Under discussion	Under discussion			
Marine Management Organisation	Under discussion	Under discussion			
Maritime and Coastguard Agency	Final and signed	Final and signed			
National Grid (Electricity Transmission)	Final and signed	Final and signed			
National Grid (Asset Protection)	Pending	Pending			
Natural England	Under discussion	Under discussion			
Network Rail	Pending	Pending			
Port of London Authority	Under discussion	Under discussion			
Port of Tilbury London Limited	Pending	Pending			
Public Health England	Final and signed	Final and signed			
Royal Mail	Under discussion	Under discussion			
RWE	Pending	Under discussion			
Thurrock Council	Under discussion	Under discussion			

3 SOCG PROGRESS SUMMARY

Position at Deadline 3

- 3.1 This section provides a summary of the current position on individual SoCGs between the Applicant and each party at Deadline 3 (12 April 2021). Individual SoCGs submitted to the ExA should be referred to for the full detail on specific matters.

Anglian Water

- 3.2 SoCG finalised and submitted at Deadline 2.

Cogent Land LLP

- 3.3 The Applicant understands that Cogent has informed the ExA that it is formally withdrawing concerns raised in the Relevant Representation of 14th August 2020. As a result, the Applicant is of the view that an SoCG with Cogent is no longer required.

Environment Agency

- 3.4 The position with regard to the Water Framework Directive assessment has been agreed for Deadline 3. The remaining matter under discussion is Protective Provisions.
- 3.5 Only one issue is not agreed, and this relates to whether the total loss of inter-tidal area amounts to a significant or an insignificant effect.
- 3.6 Updated draft SoCG submitted at Deadline 3.

Gravesham Borough Council

- 3.7 SoCG not yet progressed. The Applicant is awaiting sight of the Council's Local Impact Report ('LIR') before preparing a first draft SoCG and understands that the LIR is currently being finalised but was not submitted at Deadline 2.

Highways England and Lower Thames Crossing

- 3.8 Highways England has requested that there be a combined SoCG with Lower Thames Crossing ('LTC'). SoCG not yet progressed, pending the outcome of legal discussions relating to an Interface Agreement between the Applicant and LTC. LTC is providing a first draft list of points to be included in the Interface Agreement.

Historic England

- 3.9 The main matter that remains under discussion is comments on details of the Outline Marine and Intertidal Written Scheme of Investigation. Draft SoCG was submitted at Deadline 2; no update for Deadline 3.

Marine Management Organisation

- 3.10 Several meetings have been held and a number of points are agreed, with others under discussion. Matters currently under discussion upon which the applicant anticipates the MMO's further feedback at Deadline 3 include: the MMO's involvement in the causeway decommissioning plan, the need for seasonal restrictions on working and conditions relating to breeding wintering birds, the marine WSI and marine archaeological monitoring, and arbitration. There are no matters that are not agreed.
- 3.11 Draft SoCG submitted at Deadline 2; no update for Deadline 3.

Maritime and Coastguard Agency

- 3.12 SoCG finalised and submitted at Deadline 2.

National Grid

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3.13 It should be noted that the Applicant has already submitted a finalised SoCG with National Grid relating to project need and grid connection capacity in its application documents (APP-148).

3.14 A further SoCG with National Grid Asset Protection is not yet progressed. Discussions are ongoing regarding an Asset Protection Agreement. The Applicant anticipates that, if the Agreement is finalised, only a very short SoCG will be necessary.

Natural England

3.15 Third draft SoCG was provided to Natural England ('NE') on 3rd February 2021. A number of points were proposed to be agreed. Points currently under discussion include HRA methodology relating to effects on birds that are designated features of the Thames Estuary and marshes SPA, Water Vole translocation, s16 Common Land deregistration in relation to replacement Common Land, and noise impact thresholds for birds.

3.16 The Applicant has submitted comments on NE's later Deadline 2 submission at Deadline 3. NE is awaiting the return of its case officer from leave on 12 April 2021 for discussions to be progressed and therefore a draft SoCG is not submitted at Deadline 3.

Network Rail

3.17 SoCG not yet progressed. Discussions are ongoing regarding an Asset Protection Agreement. The Applicant anticipates that, if the Agreement is finalised, only a very short SoCG will be necessary.

Port of London Authority

3.18 3.18 Discussions are ongoing, with many points agreed. The Applicant anticipates that two points under discussion (detailed design of the causeway in schedule 2, requirement 4 (Detailed Design) of the dDCO submitted at Deadline 2 and the wording of article 5(1) of the dDCO relating to maintenance dredging) will be agreed in advance of Deadline 4. Draft SoCG submitted at Deadline 3.

Port of Tilbury London Limited

3.19 SoCG not yet progressed. Discussions are ongoing regarding commercial agreements and Protective Provisions.

Public Health England

3.20 All matters are agreed. Public Health England ("PHE") has stated that it does not usually sign an SoCG document but prefers to provide comments in the form of a letter. PHE provided such a letter to the Applicant on 22nd March 2021, which evidences the agreed position between the parties, and this was submitted at Deadline 2 in place of a finalised SOCG.

Royal Mail

3.21 All points agreed and finalised SoCG awaiting sign off.

RWE

3.22 The Applicant provided a draft SoCG to RWE on 6th April 2021, along with amendments proposed revisions to RWE's draft Protective Provisions. Discussions are ongoing regarding commercial agreements and a draft SoCG will be submitted at a future deadline.

Thurrock Council

3.23 A number of matters were agreed in the SoCG draft submitted at Deadline 2. An updated SoCG detailing further agreements now reached on heritage matters is submitted at Deadline 3. Discussions of drainage and DCO drafting are ongoing: the Applicant is awaiting Thurrock Council's further comments on the aspects of these matters listed as under discussion. There

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is one matter not agreed, the intrusive archaeological investigation undertaken prior to acceptance of the application for examination.

4 STATEMENT OF COMMONALITY

4.1 The following table sets out matters that are common to SoCGs that have been drafted or that may be included in SoCGs that are pending or under discussion. It is subject to change as SoCG discussions are progressed.

Table 4.1: Statement of Commonality

Interested Party	Draft DCO	Protective provisions	Traffic and access	Causeway and marine environment	Common land and PRoWs	Landscape and visual	Heritage and archaeology	Onshore ecology	HRA	Flood risk and drainage	Noise and vibration	Air quality	Ground conditions	Health	Climate change	Accidents and disasters
Anglian Water	X	X														
Environment Agency		X		X					X	X		X	X			
Gravesham Borough Council																
Highways England		X	X													
Historic England					X	X	X									
MCA				X												
MMO	X			X			X		X							
National Grid		X														
Natural England	X			X				X	X							
Network Rail		X	X													
Port of London Authority	X	X		X												
Port of Tilbury London Limited	X	X	X	X												
Public Health England	X				X							X		X		X
Royal Mail			X													
RWE		X	X													
Thurrock Council	X		X		X	X	X	X		X	X	X	X	X	X	